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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shinako Matsuyama

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EXAMINER

LIPMAN, JACOB

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/943,773

Applicant(s)

MATSUYAMA ET AL.

Examiner

Jacob Lipman

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2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-10, 12, 14, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose et al., US Patent number 5,708,709.

With regard to claim 1, 4, 12, and 31, Rose discloses a content distribution system for performing content transaction management (column 1 lines 5-7), including a plurality of user devices among which the content transaction management allows a content to be secondarily distributed (column 2 lines 66-67), a secure container (transmission format version) containing the content encrypted by a content key (column 9 lines 46-48), and container information including conditions set for a transaction of the content (column 5 lines 31-43), a first section for distributing the content by transmitting said secure container (server 104), and a second section for performing person authentication (application builder 112), when said secure container is transmitted among the user devices (column 3 lines 11-18), based on an IDC (Client ID, column 10 lines 4-9) which includes a template serving as person identification data of a target user for the content transactions (particular user, column 11 lines 35-38), and which is identified in reference to an IDC identifier list (licensee ID for particular user, column 5 lines 35-36), wherein the container information includes the IDC identifier list

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as a list of the IDCs (column 5 lines 31-36), the IDC identifier list is generated by a person identification authority as a third party agent (trial license application program 134, column 3 lines 40-42), wherein a secure container distributing device among the user device is configured to compare sampling information input by a user with the template stored in the IDC identified in reference to the IDC identifier list (column 8 lines 11-31), to process person authentication of a user of a receiving device among the user devices (column 8 lines 25-27), to which the secure containers to be distributed, and to perform a process of distribution of the content key for decrypting the content stored in the secure container, when the comparison result is affirmative (column 8 lines 25-31).

With regard to claim 2, Rose discloses storing the container to local memory (column 9 lines 54-56).

With regard to claim 3, Rose discloses the control information includes conditions for processing secondary distribution (expiration date).

With regard to claim 6, Rose discloses after verification, the program may be loaded for execution in the client's computer (column 10 lines 21-29)

With regard to claim 7, Rose discloses the key is available to the client (column 10 lines 21-29).

With regard to claim 8, Rose discloses the container is stored before verification (column 9 lines 54-56).

With regard to claim 9, Rose discloses the user is being verified (column 10 lines 25-29).

With regard to claim 10, Rose discloses the container contains user permissions (column 10 lines 43-53).

With regard to claim 14, Rose discloses the ID is created from the user's personal information (column 7 lines 9-26).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose.

With regard to claims 11 and 13, Rose discloses the content distribution system, as outlined above, but does not mention adding a digital signature to the container. The examiner takes official notice that adding a signature to distributed data is common to protect the receiver from harmful executables. It would have been obvious for one of ordinary skill in the art to sign the container disclosed by Rose to increase the receiver's security and trust.

The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. (MPEP 2144.03).

***Response to Arguments***

5. Applicant's arguments filed 7 April 2006 have been fully considered but they are not persuasive.

With regard to applicant's argument that Rose does not disclose the license ID in the control information, the examiner points to column 5 lines 31-43. The examiner has more clearly mapped out the rejection of claim 1 to better show how Rose corresponds to the claimed invention.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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